

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED  
02 JAN 31 PM 1:23  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

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**ENTERED**  
JAN 31 2002

CHESTER CARL WAGNER,

Petitioner,

v.

CIVIL ACTION NO. 01-AR-2732-S

WARDEN JOHN NAGLE and THE  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

Respondents.

**MEMORANDUM OF OPINION**

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice. An appropriate order will be entered.

DONE, this 31<sup>st</sup> day of January, 2002.

*William M. Ack*  
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WILLIAM M. ACKER, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

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